



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR   | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|------------------------|---------------------|------------------|
| 09/801,958      | 03/08/2001  | Louise Mary Wasilewski | A-6979              | 8732             |

5642 7590 07/24/2007  
SCIENTIFIC-ATLANTA, INC.  
INTELLECTUAL PROPERTY DEPARTMENT  
5030 SUGARLOAF PARKWAY  
LAWRENCEVILLE, GA 30044

|          |
|----------|
| EXAMINER |
|----------|

BUI, KIEU OANH T

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2623

|                   |               |
|-------------------|---------------|
| NOTIFICATION DATE | DELIVERY MODE |
|-------------------|---------------|

07/24/2007

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail@sciatl.com

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/801,958 | <b>Applicant(s)</b><br>WASILEWSKI, LOUISE MARY |  |
|                              | <b>Examiner</b><br>KIEU-OANH T. BUI  | <b>Art Unit</b><br>2623                        |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed on 05/07/2007 have been fully considered but they are not persuasive.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Applicant merely and repeatedly concludes that the step of "provide a user option to select a desired subset of the plurality of content streams for the particular program event for recording, wherein the subset excludes at least one available content stream from the program event" does not teach by Marsch and point to a different paragraph of Marsch; and the applicant is totally silent and does not response to the examiner's cited portion of Marsch's for explaining on how the examiner reads on this feature (the second section which is underlined on this office action). In addition, the applicant does not show or reveal by the specification which portion further supports the feature, and points out distinctly and clearly that the applicant believes the feature is novel in the art.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless –*

*(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

3. Claims 21-35 and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Marsh (U.S. Patent No. 6,931,657 B1).

In regard to claim 21, Marsh discloses a selectable recording device for recording options to record at least a portion of a particular program, the particular program including a plurality of content streams, the device comprising "a storage device configured to store program information received from an input source, wherein the program information includes a plurality of content streams for a plurality of program events" (Figs. 1 & 3 and col. 2/lines 17-41 and col. 4/lines 19-31); and "a processor configured to: provide a user option to select a desired subset of content streams for a particular program event for recording, wherein the subset excludes at least one available content stream from the program event" (refer to col. 4/lines 19-31 for a set top box comprising a processor as noted; and col. 4/line 60 to col. 5/line 25 for the operation of the set top box in filtering or selecting which subset is of interest to the user/viewer; and particular, as noted in col. 5/line 25 to col. 6/line 8, Marsh shows an example of which subset or identifiable characteristic (content segments – meaning a portion of a particular program containing a plurality of content streams) that can be found in the EPG database to include or exclude for recording, for example, selectively identifying a show with Ms. Julia Roberts but not guest

Art Unit: 2623

appearances on talk shows and the like etc; and further as noted in col. 7/lines 40-61, closed caption text or supplemental information associated with a program and/or separate audio program for English can also be identified for recording or opt out; and "receive user input indicating the desired subset of content streams from the program event for recording" (col. 7/lines 20-39 as the user can select or opt out what is interested to him by editing a list of candidate programs to be recorded, with all of the capabilities for identifying an interest program as noted in col. 4/lines 37-48).

In regard to claims 22, 29 and 34, Marsh discloses that the stream contains audio and video information (refer to col. 5/lines 1-25 & col. 7/lines 40-61).

In regard to claims 23, 30 and 35, Marsh further discloses "wherein the desired subset of content streams include no more than two types of the following types of content streams: an audio stream, a video stream, and a data stream" (col. 4/lines 9-18 wherein MPEG format contains audio and video streams).

In regard to claims 24 and 31, Marsh discloses a decryption device (col. 5/lines 50-59 as the set top box has a capability to decrypt viewer profile information and other information as the STB interfaces with media system 100, which also inherently suggests the decryption of scrambled programming).

In regard to claim 25, Marsh teaches this feature as program contents are parsing at content buffer as the processor determines which content stream is available (Fig. 3 and col. 6/lines 28-53).

In regard to claim 26, Marsh discloses identifying at least on packet identifier that represents at least one content stream within the transport stream (refer to col. 6/lines 28-45 as content are buffered in the pipe in a FIFO form as a shift register- understood as for counting and identifying purpose for the content stream).

In regard to claim 27, Marsh inherently teaches at least one decoder configured to decode at least one content stream (col. 4/lines 19-48, the set top box is equipped with a decoder for handling MPEG stream for displaying to the user).

In regard to claims 28 and 33, Marsh discloses a receiver and control system as discussed for claim 21.

In regard to claim 32, see claims 25 and 26.

In regard to claim 38, Marsh suggests "a reverse path coupled to the control system, the reverse path configured to communicate user input to the control system" and "a distribution system configured to communicate the at least one requested content stream to the user device" (Fig. 3 and col. 7/lines 10-39 for a feedback mechanism as well as the user can interactively provide the user's input for requesting the interested list of content to him).

***Claim Rejections - 35 USC 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

5. Claims 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marsh in view of Hoffberg et al. (US Pat No 6,418,424).

In regard to claims 36-37, Marsh does not explicitly disclose a modulator configured to associate a content stream with a predetermined frequency and providing the receiver with information related to the modulator. Hoffberg teaches the modulator configured to associate a content stream with a predetermined frequency and providing the receiver with information related to the modulator so as to allow proper communications between the transmitting site and receiving site. Consequently, it would have been obvious to one of ordinary skill in the art to modify Marsh's with a modulator configured to associate a content stream with a predetermined frequency and providing the receiver with information related to the modulator for the stated advantage.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. **Any response to this action should be mailed to:**  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to PTO New Central Fax number:**  
(571) 273-8300, (for Technology Center 2600 only)

*Hand deliveries must be made to Customer Service Window,  
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.*

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:30 AM to 7:00 PM, which alternate Friday off.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller, can be reached at (571) 272-7353.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Kieu-Oanh Bui', with a long horizontal line extending to the right.

Kieu-Oanh Bui  
Primary Examiner  
Art Unit 2623

KB  
July 18, 2007